

California's Paid Family and Medical Leave Laws

California has a history of strong policy leadership. As the first state to pass paid family leave, California was an important success story demonstrating the feasibility of effective state action in a critical policy area: rigorous research in California, the United States, and globally has highlighted the benefits of paid leave for individual health, population health, employment outcomes, and families' financial security. Yet important gaps remain, which must be closed both to make all Californians better off and to reduce racial and socioeconomic inequities. Moreover, given the longstanding health and economic disparities in the U.S., addressing how the structure of leave policies can perpetuate—or mitigate—health and economic inequities is critical. This brief provides the evidence for California's policy successes and where policy gaps need to be filled to improve health and reduce inequities.

State and federal policy context

- The U.S. provides 12 weeks of unpaid, job-protected leave for serious personal and family health needs through the **Family and Medical Leave Act**. While a landmark for the U.S. at the time it was passed in 1993, the Family and Medical Leave Act excludes millions of U.S. workers from access due to its lack of pay and its eligibility criteria, which include:
 - **Firm Size:** workers are only eligible for the Family and Medical Leave Act if their employer has 50 or more employees in a 75-mile radius
 - **Minimum Hours:** workers must accrue at least 1250 hours per year in a single job to qualify for the Family and Medical Leave Act
 - **Minimum Tenure:** workers are only eligible for the Family

and Medical Leave Act after a full year with the same employer

California addresses workers' individual and family health needs through several different pieces of state legislation, illustrating how the state has taken a series of steps over time to expand protections, broaden coverage, and fill gaps in federal law. Together, these state laws cover key elements of paid leave:

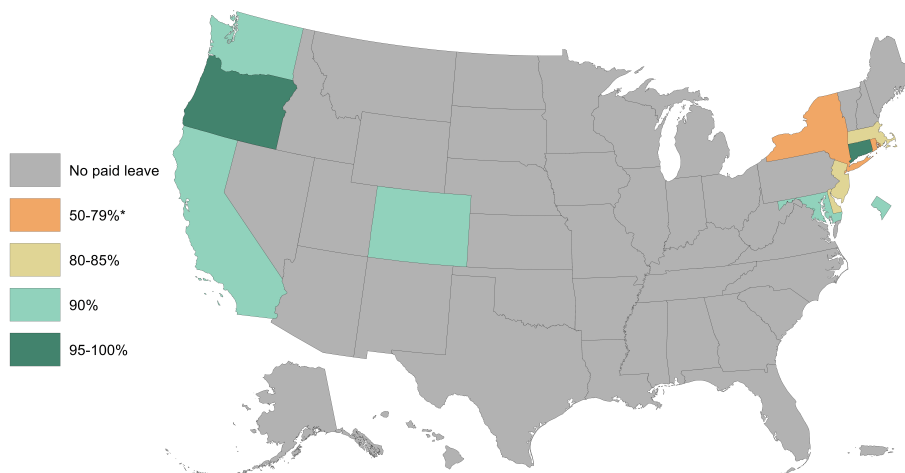
• Partial Wage Replacement:

- The **State Disability Insurance** program, enacted in 1946, provides up to 52 weeks paid leave for serious personal health conditions (typically covering up to 4 weeks before birth and 6 or 8 weeks after birth for birthing parents).
- The **Paid Family Leave** program, enacted in 2002, provides up to 8 weeks of paid leave to care for and bond with a new child or care for a seriously ill family member.
- Both of these programs are established by the Unemployment Insurance Code.

• Job Protection:

- **Pregnancy Disability Leave**, established in the early 1980s through the California Fair Employment and Housing Act, typically provides job protection for up to 4 weeks before birth and 6 or 8 weeks after birth for workers unable to work due to pregnancy or recovery from childbirth; up to 4 months of job protection is available for workers who experience health complications due to pregnancy or birth.

What is the maximum wage replacement rate for paid family and medical leave?



*New York medical leave has a maximum wage replacement rate of 50% and a rate of 67% for family leave.

- The **California Family Rights Act (1993)** provides job protection for up to 12 weeks per year for workers caring for a newborn baby, newly adopted or fostered child, seriously ill family member, or their own serious health condition.

Through this series of laws, California has created a relatively strong safety net for new parents and other workers with serious personal or family medical needs. At the same time, the state’s piecemeal approach speaks to the challenges of comprehensively addressing paid family and medical leave at the state level. Moreover, the complexity of this approach—including the different eligibility criteria that govern different programs—can be difficult for workers and employers alike to navigate.

Ensuring that paid family and medical leave meets its potential requires that workers can actually access both essential elements: wage replacement and job protection. To understand California’s successes and shortcomings in these areas, we measured how many Californians would be eligible for both job protection under the California Family Rights Act and income through State Disability Insurance and Paid Family Leave, and also compared this coverage to what is provided by federal law as well as other U.S. geographies.

Achieving better benefits that enable more families to take paid family and medical leave

- As the first U.S. state to provide paid family leave, California set an example for how to make leave-taking affordable for more families.
- Unpaid leave is inherently inequitable. At the national level, only an estimated one-third of working parents are both eligible for and can afford to take unpaid leave under the Family and Medical Leave Act. Disproportionately, unpaid leave is unaffordable for Black and Latinx parents, which is driven by both:
 - The wage gap: Latina mothers earn just 45 cents per each dollar paid to white fathers while Black mothers earn just 50 cents, and

- The wealth gap: on average, white households have a median net worth that is seven times greater than that of Black households and five times greater than that of Latinx households.

- By providing paid family leave and separately providing for job protection, California took important first steps toward increasing leave access overall while reducing racial and socioeconomic disparities in who gets to take leave to care for a loved one.

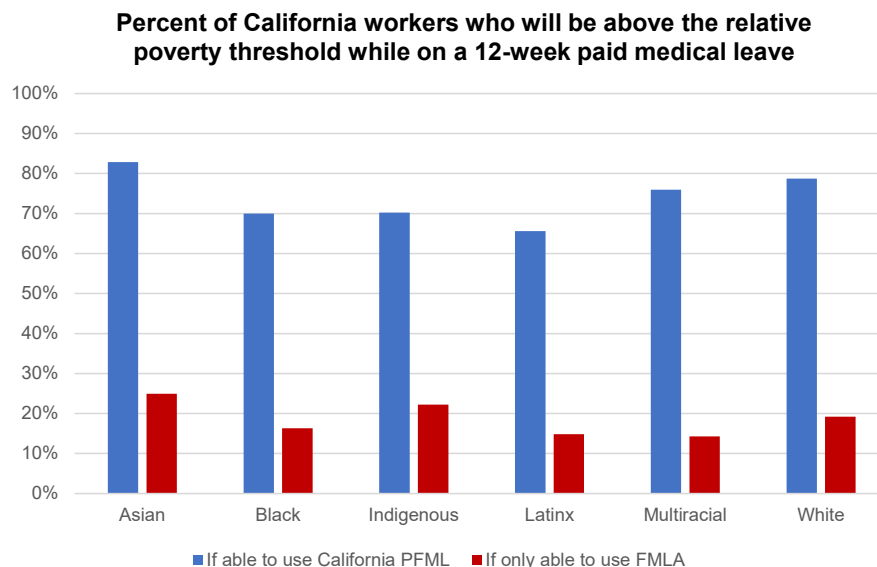
- However, policy details matter: for more workers and families to be able to enjoy the benefits of paid leave, it needs to provide adequate wage replacement.

- As of 2025, California will join 6 other geographies¹ that have a maximum wage replacement rate of at least 90% for lower earners.
- California will have the highest maximum benefit amount of all geographies in absolute dollars (\$1620 per week), making it possible for more workers to be able to afford to take leave.

Ensuring widespread coverage for paid family and medical leave benefits

- Compared to the U.S., California has also adopted eligibility criteria that support broader coverage of its family and medical leave programs.
- At the federal level, structural inequalities are built into who is eligible to take unpaid, job-protected leave under the Family and Medical Leave Act:
 - Altogether, the Family and Medical Leave Act’s minimum

¹“Geographies” refers to other U.S. states, the District of Columbia, and Puerto Rico. For details on paid leave policies in other geographies, see [“Paid Family and Medical Leave in the United States: An Analysis of State Laws”](#) (forthcoming 2023). For details on paid leave approaches across other high-income countries, see [A Review of the Evidence on Paid Family and Medical Leave: Healthier U.S. Families within Our Reach](#). For details on how the U.S. stands in the global context on paid medical leave, see [The Urgency of Adopting Permanent Paid Sick and Medical Leave in the United States: Global Insights on Effective, Equitable Policy Design](#). For details on how the U.S. stands in the global context on paid family leave, see [Equality within Our Lifetimes: How Laws and Policies Can Close—or Widen—Gender Gaps in Economies Worldwide](#).



This figure examines household income during periods of leave and takes into account both the amount of wage replacement during leave and other sources of household income.

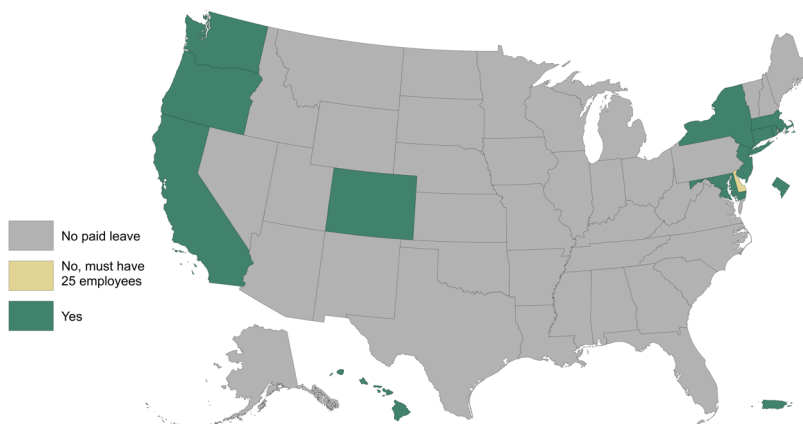
firm size, tenure requirements, and minimum hours of work rules exclude nearly half of private-sector workers.

- These eligibility criteria disproportionately exclude Latinx workers and women.
- The 50-person minimum firm size threshold has the greatest impact, on its own leaving over 2 in 5 Latinx workers ineligible.
- In contrast, 99% of private-sector employees in California (96% when including the self-employed) are estimated to be eligible for paid family and medical leave (Paid Family Leave and State Disability Insurance).
- California and nearly all other U.S. geographies with paid family and medical leave have no minimum firm size for these benefits, dismantling the argument that paid leave is unaffordable for small businesses.
- California also takes a more inclusive approach to tenure and contribution requirements than the Family and Medical

Leave Act or paid family and medical leave programs in a range of other states.

- For example, New Jersey requires workers to have earned at least \$260 per week for 20 weeks, or \$13,000 over a year, to qualify for disability insurance. Delaware requires workers to have worked for a single employer for a full year and at least 1250 hours to be eligible for paid family and medical leave, excluding many workers who have recently changed jobs, part-time workers, and workers who hold multiple jobs.
- In contrast, to be eligible for Paid Family Leave or State Disability Insurance, California only requires \$300 of earnings subject to State Disability Insurance contributions over a 12-month period—the lowest of any state with minimum earnings requirements, ensuring that the vast majority of workers who earn wages in California will meet these criteria.
- In total, an estimated 6.2 million more California workers are covered under state paid family and medical leave (Paid

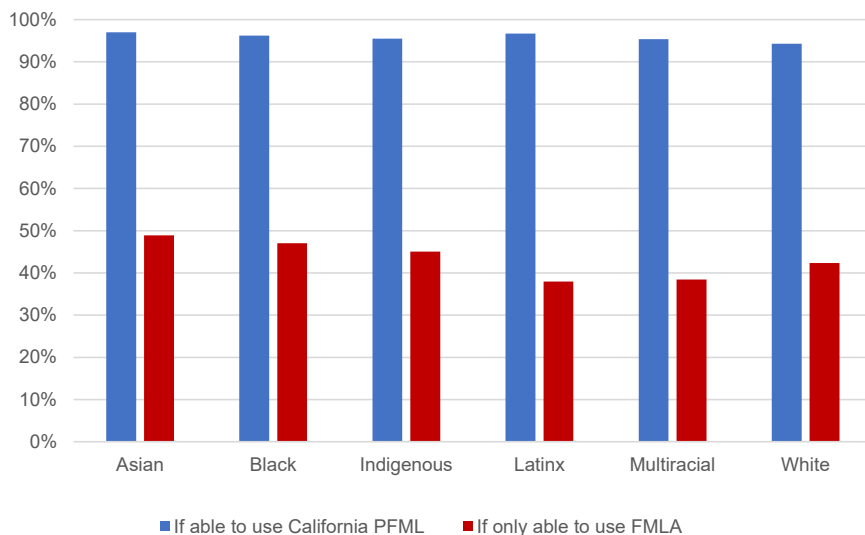
Do all workers receive paid medical leave regardless of how many employees are at their workplace?



Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022



Percent of California workers eligible for leave



Family Leave or State Disability Insurance) than under the Family and Medical Leave Act.

- Nevertheless, because of the different eligibility criteria governing the California Family Rights Act, a significant number of these same workers lack job protection, making it difficult to take paid family and medical leave in practice.

Important Next Steps for California to Improve Health and Increase Equity

Expanding the duration of paid parental leave²

- California lags behind most other U.S. geographies in the duration of paid leave for infant caregiving available to parents who did not give birth. Only eight weeks are available.
- Ten other U.S. geographies provide 12 weeks of paid leave to non-birthing parents of infants.

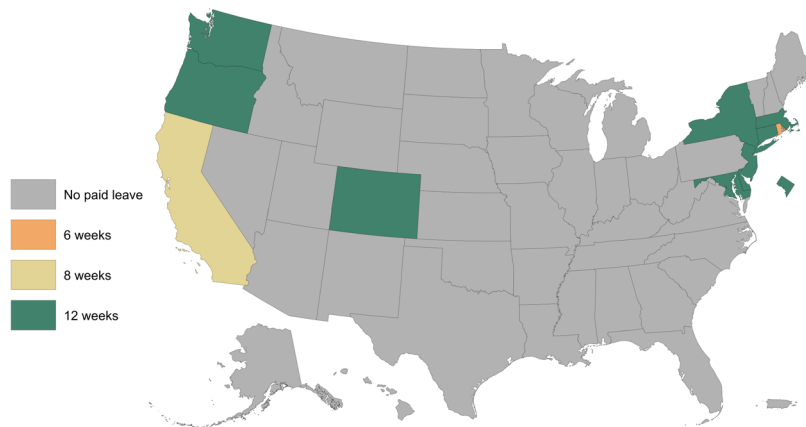
² While this leave is provided to support parents to meet both the practical needs of caregiving and to bond with a new child (whether an infant or an older child joining their family through adopted or fostering), California uses the term “bonding leave” to distinguish this leave from caregiving leave provided to care for a broader range of child and adult family members.

- Globally, the majority of high-income countries ensure that non-birthing parents have access to at least 12 weeks of paid leave.
- An adequate duration of paid leave is essential for infants’ healthy development as well as families’ economic stability—particularly when waitlists for quality, affordable childcare extend for many months if not years.
- Extending the duration of paid leave available for infant caregiving from 8 weeks to 12 weeks would enable an estimated 1.75 million more workers in California to take a full 12 weeks of leave without falling below the poverty line.
- Increasing access to quality, affordable infant care would serve as a critical complement to paid leave expansion.

Expanding eligibility for job protection for paid leave

- Without access to job protection, workers may be unable to use paid leave for fear of not having a job to return to after leave.
- Yet California law is complicated, requiring workers to meet different eligibility criteria for paid leave and job protection.

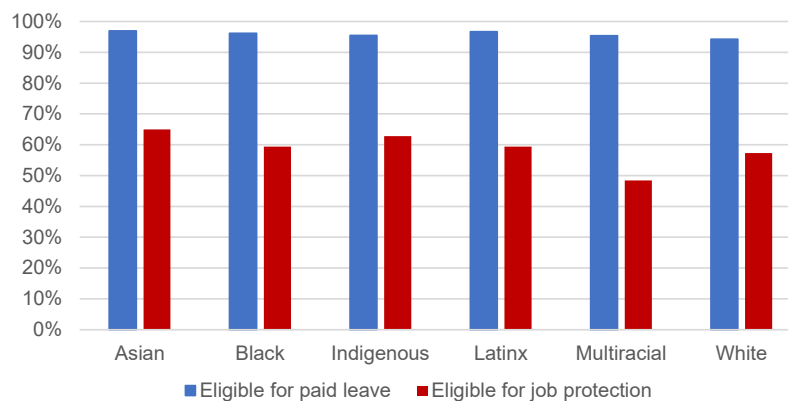
How many weeks of paid parental leave for infant caregiving does the state law provide?



Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022



Percent of California workers eligible for California Paid Family and Medical Leave and job protection



A worker may be eligible for paid leave but not eligible for job protection at all, or only for a portion of leave.

- Under the California Family Rights Act, California only provides job protection during paid family and medical leaves to workers who have 12 months of tenure, 1250 work hours and work for an employer with at least 5 employees.
 - While more inclusive than the Family and Medical Leave Act given the lower firm size threshold, these requirements still exclude a significant share of families.
 - If the eligibility requirements for the job protection provided by the California Family Rights Act were the same as the eligibility requirements for the wage replacement provided by Paid Family Leave and State Disability Insurance, an estimated 5.2 million more workers in California would gain access to job-protected paid leave.

Recognizing the many forms of families and caregiving relationships

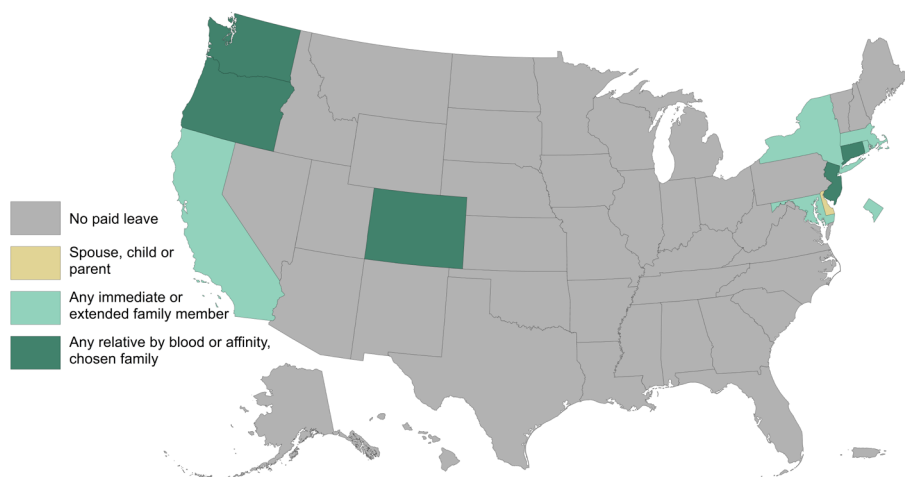
- California’s Paid Family Leave law specifies that caregiving leave can only be taken to meet the serious health needs of certain family members: child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, registered domestic partner.
 - While this list provides relatively strong coverage, other states are more comprehensive.
 - Five states have broadened the definition of family caregiving, including by covering individuals with an association "equivalent to a family relationship" or who have an "expectation of care."
- Only half of Californians were born in the state and more than a quarter are foreign-born, making it likely that many Californians will need to rely on or provide care for the people in the community they live in, not necessarily blood relatives.

- While Paid Family Leave is limited to certain family members, job-protected, unpaid leave under the California Family Rights Act more broadly covers care for a “designated person,” which “means any individual related by blood or whose association with the employee is the equivalent of a family relationship.” Employers can limit employees to 1 designated person per 12-month period.
- Equity also requires ensuring that infants benefit from an adequate amount of caregiving leave regardless of the structure of their family. For example, if single-parent households receive just half the leave of two-parent households—and if that leave is too short to ensure parental care is possible until quality, affordable infant care is available—their children will be disadvantaged.

Addressing language and information barriers to the application process that affect equity

- Language can create barriers to accessing paid leave benefits.
- While the Employment Development Department telephone help line says assistance is available in English and 6 other languages, online chat and website technical assistance are only available in English. While some informational pages are available in 5 or more languages, other brochures and toolkits are only available in English and Spanish. Ensuring materials are consistently available in a minimum number of key languages spoken by Californian families is critical to reaching all individuals and families.
- A readability measure of the website indicated that much of the information would be inaccessible to someone who did not have a college education. There are states that have managed to make their whole process accessible at the 9th grade level.
- The website is certified as accessible to people with disabilities, complying with requirements in state law.

For which family members can an employee take paid family leave?



Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022